

EXHIBIT 41

Translation.

(Extract)

MK, February 14, 2007

Author: Ekaterina Zapodinskaya

FROM SENATE TO PRISON

CASES WITH VAVILOV THAT WERE SUSPENDED

[1-7 skipped]

8. “Oleynik Matter”. In 1996-1997, a scheme of “natural gas” settlements were organized between Russia and Ukraine, in which seven structures toy, took place, including the Defense Ministry, the Finance Ministry, the State Tax Service. It was expected that the military would receive building materials for \$450 million (as the settlement of the debt of the State to the Defense Ministry). However, \$327 million never reached the recipients , neither by way of money nor by way of timber. The investigation determined that Vavilov was the organizer and designer of that scheme. He was charged, but the top brass of the Prosecutor General’s Office prohibited to touch Vavilov. The matter against him was terminated, and the only guilty party was found the head of the financial department of the Defense Ministry General Oleynik.

[9-10 skipped].

CERTIFICATION OF TRANSLATION

I, Tatyana Suchkova, certify herewith that I am a permanent resident in the USA, that my native language is Russian, that I have higher education, with the specialty of the languages’ instructor, that I am competent to translate from Russian into English and that the foregoing translation from Russian into English is true and correct.

Date: 10/10/2013. Correct: TS

Екатерина Заподинская

Источник: [МК](#), 14.02.2007

Из сената — на нары

Прекращенные дела с участием А.Вавилова

1. Дело НФС. В 1994—1995 гг. Вавилов под мизерные проценты выделил банку “Национальный кредит”, находящемуся в предбанкротном состоянии, \$132 млн. и передал в управление облигации внутреннего валютного займа номиналом \$125 млн. В апреле 1995 г. он облагодетельствовал банк кредитом еще на \$45 млн. В дальнейшем кредит с согласия Вавилова был переуступлен банком Национальному фонду спорта и исчез: его зачли якобы как компенсацию от отмены таможенных льгот.
2. Дело НРБ. В 1995 г. Вавилов необоснованно перечислил свыше \$600 млн. Национальному резервному банку. Отчеты об использовании средств банком не представлялись. Благодаря Вавилову в 1995 г. “Газпром” был освобожден от налогов почти на 1,5 триллиона неденоминированных рублей, деньги стали собственностью “Газпрома” и НРБ.
3. Выборы-96. Для “стимуляции” банкиров, спонсировавших выборы Ельцина, Минфин реализовал чисто криминальную схему. Государство передавало банкам свои ценные бумаги за 30% от номинала, а затем покупало их обратно, но уже за полную стоимость. Ущерб, причиненный бюджету, не поддается никакому учету.
4. Дело об индийском кредите. Под несуществующий контракт на поставку Индии самолетов “МиГ” Вавилов перечислил ВПК “МАПО” (изготовителю) \$231 миллион. Деньги, однако, до производителя не дошли, были похищены и выведены коммерческими банками в офшоры.
5. Дело фонда СНГ. В 1996—1997 годах Вавилов заключил 14 противоречащих закону соглашений о переводе долговых обязательств ряда нефтедобывающих предприятий некоему Международному фонду содействия СНГ. Ущерб государству составил примерно \$30 млн.
6. Дело об арабских долгах. В 1997 г. Вавилов отписал банку “МФК” долги

Ирака и Ливии более чем на \$8 млрд. Еще одним подарком стал выпуск государственного нерыночного займа в размере 573,1 млрд. рублей, который на безальтернативной основе был продан “МФК”. В мае 1997-го, сразу после отставки, Вавилов стал президентом “МФК”.

7. Дело о квартире. В 1993 г. по подложным документам Вавилов получил 4-комнатную квартиру в Москве. Было возбуждено уголовное дело, но Генпрокуратура прекратила его “за отсутствием состава преступления”.

8. “Дело Олейника”. В 1996—1997 гг. была организована схема “газовых” взаимозачетов между Россией и Украиной, в которой приняли участие семь структур, включая Минобороны, Минфин и Госналогслужбу. Предполагалось, что военные получают стройматериалы на \$450 млн. (в счет долга государства перед Минобороны), однако \$327 млн. — ни деньгами, ни досками — так и не дошли до получателя. Следствие установило, что организатором и разработчиком этой схемы был Вавилов, ему предъявили обвинение, однако руководство Генпрокуратуры запретило трогать Вавилова; дело против него было прекращено, а единственным виновным признан начальник финуправления Минобороны генерал Олейник.

9. Деревянное дело. Благодаря усердию Вавилова и председателя РФФИ Соколова банк “Менатеп” заполучил крупнейшее в России предприятие — экспортер целлюлозы — Усть-Илимский лесопромышленный комплекс. На чековом аукционе и инвестиционном конкурсе структуры “Менатепа” взяли под контроль 74% акций ЛПК, но для абсолютной власти им не хватало одного процента. Тогда Вавилов и Соколов передали “Менатепу” 1,13% акций холдинга в обмен на акции самого банка, что являлось грубейшим нарушением закона. В дальнейшем предприятие было обанкрочено.

10. Нефтяное дело. При приватизации Вавиловым госкомпания “Северная нефть” по заниженной стоимости были выведены активы ее соучредителя — госкомпания “Зарубежнефть”. При номинальной цене в \$5 млн. доля “Зарубежнефти” (10%) была выкуплена за \$400 тыс. Впоследствии Вавилов продал “Северную нефть” за \$400 млн.

Александр Хинштейн

Источник: "Московский комсомолец", 14.02.2007

EXHIBIT 42



• 1/28/2009 at 4:20 PM

• [2Comments](#)

The Plaza Begins Settling Its Penthouse Problems

• By [Chris Rovzar](#)

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The first and most outraged of the high-profile early buyers wishing to back out of the newly renovated Plaza penthouse apartments has reached a "favorable" (for him) settlement with the developers. Last September, [Andrei Vavilov sued El-Ad](#), the company that had sold him two apartments for a whopping \$53.5 million. After Vavilov put up a down payment, he (and more important, his

younger actress wife) saw the place and hated it. He sought the return of his money, and [El-Ad sued him right back](#), as one does, mostly because they claimed he and his wife were being petty.

But now everything's ended happily, and someone else will be able to live in that spectacular "attic-like" triplex apartment with allegedly tiny windows, obstructed views, visible air conditioners, low ceilings, and ugly drainage gates. The Plaza is in the clear now!

[Plaza and Penthouse Buyer Settle Dispute](#) [City Room/NYT]

EXHIBIT 43



November 2012

Anything but roulette

An inside look at how Russian billionaires wheel and deal for NYC real estate

November 01, 2012

By [Adam Piore](#)



Elizabeth Lee Sample has brokered \$1.5 billion worth of real estate in her career. But it wasn't until she began working with high-end Russian buyers several years ago that she found herself leaving the Four Seasons Hotel on East 57th Street one Sunday with a check for \$2.5 million burning a hole in her pocket.

"We had shown a couple a penthouse at the Ritz-Carlton," she recalled. "They really liked the apartment, but they were leaving right away for California. So they left the check for us in the lobby for the escrow deposit."

Welcome to the world of the superrich Russian condo buyer, a rarified and red-hot segment of the New York real estate market. It's a world with private planes, cars that cost as much as some houses and entourages of bodyguards, assistants and traveling maids. But perhaps its most notable component is its emphasis on discretion and secrecy — qualities so valued that co-ops are virtually out of the question.

"Normally with buyers in New York, you need to know up front what's in their bank, in terms of liquid cash, but I would never dream of asking that question," said Dominique Punnett, a half-Russian broker at Stribling & Associates, of a Russian client who is looking for an ultra-high-end apartment. The buyer has made it clear to Punnett, without explicitly saying so, that "price is not an issue."

"They come from a very different culture, and you have to understand that," said Victoria Shtainer, a Russian-born broker with Prudential Douglas Elliman, who began meeting Russian clients through family and friends back in 2004 and has sold them properties at many of the city's most expensive addresses, including 15 Central Park West and the Time Warner Center.

Russia, she pointed out, is "not the land of opportunity — it's cutthroat."

Those who made it to the top and come here to spend the spoils, she added, expect VIP service, don't suffer fools and "are always on the defensive."

"They don't talk about who and what they are," Shtainer said. "You have to win their trust. You find that information out later rather than sooner."

Russian billionaires and some of the NYC apartments they've scooped up in recent years				
NAME	MADE FORTUNE IN	PROPERTY PURCHASED	YEAR	PRICE
Dmitry Rybolovlev	Fertilizer	15 Central Park West (apartment)	2012	\$88 million
Len Blavatnik	Oil, gas, metals	15 East 64th Street (townhouse)	2007	\$50 million
Igor Krutoy	Entertainment	Plaza Hotel (apartment)	2011	\$48 million
Andrei Vavilov	Hedge funds	Time Warner Center (apartment)	2009	\$37.5 million
Bolat Nazarbayev	Oil	Plaza Hotel (apartment)	2008	\$20 million
Oleg Baibakov	Construction	Time Warner Center (apartment)	2007	\$13.5 million <i>(listed in May for \$25 million)</i>
Anna Anisimova	Heiress	Time Warner Center (apartment)	2004	\$9.86 million <i>(listed in April for \$50 million)</i>

Source: News reports.

[Click to enlarge](#)

Portraits of wealth

Perhaps the most notorious Russian buyer in New York in recent years has been Andrei Vavilov, a former deputy finance minister and hedge-fund magnate.

Vavilov generated worldwide headlines when he sued Plaza Hotel developer Elad Properties in 2008, complaining that two penthouses he'd committed to buy for a cool \$53.5 million (and planned to combine) had been ruined by ugly architectural features including narrow windows that "make the space more closely resemble an attic than a luxury penthouse living room," according to the lawsuit. Vavilov, who sports wire-rimmed glasses and a salt-and-pepper buzz-cut, illustrates both the spoils in play in modern Russia and the danger one can face in attempting to grab them.

He rose to be deputy finance minister under former President Boris Yeltsin in 1992, helped push through privatizations and other reforms and survived a James Bond-like assassination attempt in 1996, when someone blew up his car in a Kremlin parking lot, according to the New York Times. (Vavilov was not in it at the time.)

He later joined the board of the Russian energy firm Gazprom as a financial counselor, bought a controlling stake in a smaller oil company with a \$25 million loan and sold the company just four

years later for \$600 million in cash, according to the newspaper. But he was dogged by suspicions that he was involved in insider deals and, in the late 1990s, Russian federal prosecutors investigated whether he embezzled \$231 million during the sale of MiG fighter jets to India. He denied the accusations, and the case was closed in 2008 after the 10-year statute of limitations expired. Vavilov, of course, is just one of the many Russian billionaires to buy a lavish New York apartment in the last few years. And that number is only likely to grow. The number of Russians on the Forbes list of the world's billionaires has gone from zero in 2000 to 96 this year. And every year, new arrivals seem to one-up each other when it comes to buying real estate here.



From left: Dmitry Rybolovlev; the \$88 million apartment at 15 CPW Rybolovlev bought for his daughter; the townhouse at 15 East 64th Street that Len Blavatnik purchased in 2007 for \$50 million from Seagram Company heir Edgar Bronfman.

One of the highest-profile deals involving a Russian billionaire is, of course, the \$88 million pad that Dmitry Rybolovlev bought for his 22-year-old daughter, Ekaterina, at 15 Central Park West. The purchase of the apartment, which was owned by former Citigroup chairman Sandy Weill, was the highest closed sales price ever for a Manhattan apartment.

The purchase came four years after Rybolovlev broke another record, when he shelled out about \$100 million for Donald Trump's 69,000-square-foot Palm Beach estate.

Both of those properties are now at the center of his divorce.

Rybolovlev's estranged wife, Elena, sued in Manhattan and Florida, alleging that Rybolovlev used trusts linked to their children to shield his assets from her.

Rybolovlev — who's worth an estimated \$8 billion — was one of Russia's early stockbrokers. He bought shares in state-owned enterprises, founded a bank and made his fortune investing in potash fertilizer during the privatization of those state-owned enterprises.

Like Vavilov, his past is replete with innuendo and spy-novel-type details.

He is said to wear a bulletproof vest, has an art collection worth more than \$500 million with works by Monet and Picasso, and owns homes in Dubai, Monaco, Paris and Geneva. According to the New York Times, Rybolovlev has not set foot in either the Florida or New York property since purchasing them.



Russian entertainment mogul Igor Krutoy

Meanwhile, in 2011, Russian impresario Igor Krutoy and his wife, Olga, paid a then-record \$48 million for a 6,000-square-foot condo at the Plaza. A composer who owns record labels, music TV stations and produces Russia's American Idol-esque "Star Factory," Krutoy is an entertainment icon across the former Soviet Union with a net worth Forbes estimates at upwards of \$13 billion.

A few months after breaking the record at the Plaza, he shelled out another \$23.85 million for a mansion on tony Gin Lane in Southampton. He reportedly told his brokers he planned to demolish it and build a new one.

Then there's Russian It girl Anna Anisimova — daughter of metal magnate Vasily Anisimov. She purchased a 3,900-square-foot penthouse at Time Warner Center in 2004 for \$9.86 million, soon after enrolling in NYU and diving into the New York social scene, where she earned the sobriquet, the "Russian Paris Hilton." Anisimova, now in her late 20s, listed the penthouse in April for \$50 million.

Just months after buying her penthouse, Anisimova, a former teen model, rented socialite Denise Rich's Southampton mansion for \$550,000 (then the most ever paid for a Hamptons summer rental), and announced plans to host a 700-person charity bash promoted by celebrity PR guru Lizzie Grubman. Now married to film producer Peter Schafer, Anisimova is selling the penthouse because she wants to pursue an acting career in Hollywood.

Other Russian buyers in recent years reportedly include billionaire Len Blavatnik, an oil, gas and metals magnate, who paid Edgar Bronfman, the heir to the Seagram Company, \$50 million for his 64th Street townhouse in 2007. That deal came just a couple of years after Blavatnik paid \$31.25 million for another townhouse nearby, and a couple of months after he purchased a Fifth Avenue apartment for \$27.5 million.



Nets owner Mikhail Prokhorov

Then there's Oleg Baibakov, president of a Moscow construction management and consulting firm, who purchased a \$13.5 million Time Warner Center condo. There are also scores of other high-profile buyers from the former Soviet Union, such as oil magnate Bolat Nazarbayev, brother to the longtime Kazakhstan President, who owns a \$20 million Plaza condo. Even Boris Berezovsky, exiled oligarch and Vladimir Putin foe, reportedly owns a \$3.2 million Central Park West condo he purchased in 2001.

But perhaps the most well-known Russian oligarch in New York owns a different sort of property — the Brooklyn Nets. Mikhail Prokhorov, who made his fortune in precious metals, shelled out \$200 million for the team in 2009 and owns 45 percent of the Barclays Center.



Russian It girl Anna Anisimova, daughter of metal magnate Vasily Anisimov, and her Time Warner apartment, which originally listed for \$50 million in April

Wining and dining

Working with this cast of characters brings serious financial rewards. Sample and her partner Brenda Powers, who work at Sotheby's International Realty, were widely reported to have acted as Vavilov's brokers — both on the ill-fated Plaza deal and in his later purchase of a Time Warner Center penthouse for \$37.5 million in 2009. Sample would not discuss those deals, but did speak generally about Russian buyers.

Sample met her first Russian clients, a couple, while selling a penthouse at the Pierre on East 61st in 2006. That led to a chain reaction of referrals among their friends and families, to whom she has since sold more than \$125 million worth of real estate.

Most of her clients, Sample said, arrive by private jet (many have several jets). Most also have purchased vehicles that stand ready to pick them up at the airport and ferry them around New York. They include Bentleys and Range Rovers that are fully equipped with satellite TVs and refrigerators, all the way up to cars from Germany luxury manufacturer Maybach, which makes the \$1.35 million Landaulets sedan. Sample said the entourages of her Russian clients usually number no more than five, which includes bodyguards, drivers and assistants (though others say their clients sometimes arrive with as many as 10 in tow). In general, she will send ahead a detailed analysis of what's on the market, complete with square footage, dollar per square foot and desirability of the building.

"It's not always the price that is the most important, it's more the prestige of the property," she said.

"Many Russian clients know what the buildings are; they know what the top condominiums are."

After showings, Sample will often meet her clients for dinner — Cipriani and Per Se are client favorites — or a subsequent breakfast where she can receive her marching orders.

"Honestly, there is no vodka," she said. "Surprisingly, a lot of them don't drink at all. These guys and women did not get this money by drinking all night."

Most of the deals, Sample said, close quickly.

One Russian couple, Sample recalled, lost an apartment at the Time Warner Center and flew back to London "very upset." When a similar apartment came on the market at 25 Columbus Circle, they engaged in an aggressive bidding war for the apartment "sight unseen," and eventually won the right to buy the property for around \$19 million.

In general, however, even if another broker tells Sample that they have "three bids for \$40 million" on a space, Sample said, "we would always bid lower to see if that is the case."

"Because here you have someone who can close and wants the apartment and, like anyone else, does not want to be taken advantage of," she said. "Everyone expects Russians to come in and overpay. I would say before Lehman, they might just come in and overpay to secure the property. But that is not the case anymore."

Getting money out

To arrange the financial aspects of the deal, most buyers rely on attorneys. Edward Mermelstein, a Ukrainian-born real estate attorney, said he's handled more than 500 deals for Russians over the years, with 150 in just the last three years.

Though Russians from Moscow first began inquiring about high-end New York real estate as far back as the 1990s, it wasn't until 2000 or 2001 that the group began buying in great numbers. In the last year and a half, buyers have begun appearing from the outer regions of Russia. Mermelstein estimated that funds leaving Russia for New York are "significantly north of the \$100s of millions" in primarily residential properties.

For him, the process usually begins even before his clients have met brokers. Many of his clients, he said, have already identified the properties they intend to bid on before they come to the U.S.

"The Russians that are coming to New York — especially in the last couple of years — are typically high-profile individuals," he said. "The types of properties they are looking at reflect that — everything from Time Warner to 15 Central Park West to the Plaza. They jump from one building to the next just because it's the flavor of the year."

To avoid road bumps that could delay an apartment closing, Mermelstein goes over the process for getting the money out of Russia carefully with his buyers or their representatives long before they arrive, using flow charts and other graphic aids when necessary.

"It's never been a problem getting money out of Russia. The problem is typically how the money is made in Russia," Mermelstein noted.

"In order to move money out of Russia, you need to prove that taxes have been paid on those funds. And it's not a country where people like to pay taxes," Mermelstein said, adding that he only deals with clients who actually pay their taxes.

Still, "problems occur when you have made a lot of money in Russia and now you are interested in investing out of Russia because you have to disclose you have made the money and paid taxes on it," he explained. "It's a question of whether they want to do that because you are exposing yourself to prying eyes."

Many are also unfamiliar with the idea of transferring money to an attorney's escrow account (which is standard procedure here). Mermelstein advises the client on their options: opening a U.S. bank account, using a power of attorney to make the purchase or setting up a corporate LLP with all its attendant tax ramifications.

According to brokers and other industry insiders, efforts to get money out of Russia without paying taxes have become increasingly difficult since Putin resumed the presidency last May, which has delayed some real estate deals in New York.

Homegrown tactics

Nonetheless, money is, for the most part, the least challenging component of working with Russian clients.

"Because they are extremely wealthy, sometimes they land here and call you and say, 'I want to see properties within the hour,'" noted Elliman's Jacky Teplitzky, who said she's done about 10 deals worth about \$50 million with Russian buyers, including several at the Time Warner Center. "You cannot say, 'No.' You can't say, 'Sorry, I have another appointment,' or, 'Sorry, I can't find the other broker.' If you do, it's a problem. They will not wait for you. They will run."

Shtainer said most of her clients are among the smartest and best-prepared she has dealt with. She recalled taking one client to see an apartment at 15 Union Square West. He knew which days the farmers' market was out front and how that would affect the view.

"You have to understand who you are," she said. "You are the gatekeeper and the authority, and you better know your information front and back because they will ask you about every building and every floor plan. They like information and sometimes they will know it before you."

As many brokers and industry figures have discovered, some of these high-achieving buyers aren't reticent about importing the same techniques in New York that they used to get ahead back home. A little less than a year ago, for instance, one of Mermelstein's clients purchased a new condo for \$7 million and asked Mermelstein to use his banking contacts to help him refinance the mortgage on the property. Mermelstein found bankers willing to do so if the client agreed to open an investment relationship with the same bank. The client agreed. Then the day the deal closed, the client called to say that his financial situation had changed and he would not honor the investment relationship.

"These are very savvy individuals that are used to taking advantage of the system from which they are coming," said Mermelstein. "Unfortunately, whenever they have the opportunity to take advantage of the situation, they take advantage of the situation. And sometimes they take advantage of people.

"The flip side is everyone wants to deal with them because they have the money," he said.

EXHIBIT 44

Andrei Vavilov

ACTIVE DISCUSSIONS/NEWEST POSTS

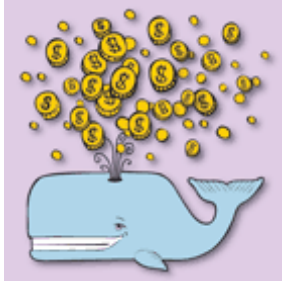
RUSSIAN BILLIONAIRES POWER HOUR

Where the Russians Live With Their Billions in New York City



At least [once](#) a [year](#), we [see](#) a real estate [trend piece](#) about how the Russians are descending on the city, spending their billions on obscenely priced apartments, so we dug through our archives and public records to bring all the compatriots together into one, simple **billionaire map**. Unsurprisingly, they've settled where the American rich folk like to live: around Central Park. We're sure to have missed a rich Russian or two, so feel free to leave names in the comments or on the [tipline](#), and we'll add them to the map.

[Where the rubles are >>](#)



MANHATTAN

9 COMMENTS

ABOUT 9 MONTHS AGO

116

BUYER BACKOUTS

Of Course That Plaza 'Attic' Dispute Isn't Actually Over



Even though the troubled **Plaza** penthouse that was once the subject of a [fraud lawsuit](#) finally [found a buyer](#) in March, the lawsuit itself hasn't ended. Prospective buyer Andrei Vavilov—known in legal documents only as Plaza PH 2001—had planned to pay \$53.5 million for two penthouses in the building. Instead, he ended up suing with allegations of fraud, claiming the building's developers hadn't given him the promised "light and airy expanse" with "floor-to-ceiling, 11-foot-high windows providing expansive views of Central Park." What he claimed he actually got: an attic-like space with

windows only three feet tall. A judge threw out his original suit, but a state appeals court **reinstated it yesterday** according to the [Post](#).

[he court's rationale](#)

MIDTOWN/MIDTOWN WEST

4 COMMENTS

ABOUT 2 YEARS AGO

IN CONTRACT

\$33.5M Lawsuit-Scarred Plaza 'Attic' Finally Finds a Buyer



[Times](#) notices that PH200 at the **Plaza**, the same apartment that sparked Andrei Vavilov's [fraud lawsuit](#) against the building's developers in 200 , has finally found a buyer. Vavilov originally agreed to pay \$53.5 million for PH200 and another one, but he found the apartments too "attic-like" for his liking and engaged in a fight by lawsuit with the building's developers. While Vavilov and the developers were thus occupied, the penthouse itself remained empty. It finally [came back to market](#) with a \$3 .5 million ask in April of last year. Then it [got chopped](#) to \$33.5 million in October. We'll have to wait for the deal to hit public record to know what kind of price an attic with park views can get these days.

[In the meantime, for floorplan fans](#)

MIDTOWN/MIDTOWN WEST

COMMENTS

ABOUT 2 YEARS AGO

1

PRICECHOPPER

Lawsuit-Scarred Plaza 'Attic' Now Asking Just \$33.5 Million



People are making [record multi-million dollar deals](#) at the **Plaza** again, but PH200 may have received too much bad press to return to the stratosphere. The penthouse was the subject of Russian dude **Andrei Vavilov's** [fraud lawsuit](#) against the Plaza's developers back in 2007. To recap: Vavilov had signed a contract to pay a total of \$53.5 million for two penthouses, but he decided the penthouses were "attic-like" and didn't have the views and ceiling heights he was promised. The Plaza sued him [in return](#), Vavilov agreed to put his deposit toward the smaller of the two penthouses which he then resold, and PH200 was left languishing, buyer-less. It finally [returned to market](#) in April at \$37.5 million, an ask that got a **\$4 million chop** yesterday. The fresh price is **\$33.5 million**. Still hefty—but then, the attic *does* have park views. Check out the whole place in our [old gallery](#). And [here's the very large floorplan](#)

MIDTOWN/MIDTOWN WEST

6 COMMENTS

ABOUT 3 YEARS AGO

51

ON THE MARKET

Lawsuit-Scarred Plaza 'Attic' Now Asking \$37.5 Million



back in 2007 when the world was ending, seriously scary Russian dude **Andrei Vavilov** [sued](#) the developers of the **Plaza Hotel** for fraud. Vavilov signed a contract to buy two penthouses for a combined \$53.5 million, but now that it was time to close, he didn't like what he was seeing. The penthouses were "**attic-like**" **spaces** that didn't deliver on the ceiling heights, unobstructed views and general opulence that the developers had promised. The two sides sparred for months, with the Plaza [suing Vavilov right back](#) for defamation. Eventually there was an agreement: Vavilov put his \$10.5 million deposit towards the smaller of the two penthouses which he later [sold](#) for \$1.5 million, and the triplex penthouse went back to the developers. Now that unloved stepchild is finally on the open market, asking **\$37.5 million**. Let's have a look, shall we?

[You know you want to hear some of this brokerbabble.](#)

MIDTOWN/MIDTOWN WEST

14 COMMENTS

ABOUT 3 YEARS AGO

94

PLAZA SUER'S PENTHOUSE SELLS

In the final final twist of the Plaza penthouse saga, Russian financier Andrei Vavilov has sold his duplex penthouse for just **\$8.4 million**. Vavilov originally agreed to buy both a duplex and a triplex penthouse in the building for a total of **\$53.5 million**. But he sued developer El-Ad for "secretly" changing the square footage and other features of the apartments. The compromise Vavilov agreed to purchase the duplex penthouse for a discounted **\$11 million**. For \$2.1 million less than that, it's now off his hands. What will the Vavilov do now that the dust-up is behind him? He's moving on to the \$3 million penthouse at the Time Warner Center. [Previously](#)



MIDTOWN/MIDTOWN WEST

[1 COMMENT](#)

It Happened One Weekend: Vavilov Strikes Again, Weekend Homes for Everyone, Jackson Heights' Mascot Makeover

1) A final twist in the saga of [Andrei Vavilov](#), the mysterious Russian oligarch who sued to try and get out of buying \$53.5 million worth of Plaza penthouses, before finally purchasing one unit and selling it for a loss. It turns out that **Vavilov is the mystery buyer of the \$37 million Time Warner Center penthouse**, the [biggest apartment deal](#) of the year. Trading in class for glass house wacky Russians. And as for the view from the WC penthouse, the Plaza's Pooh guy adds a bit of excellent trash talk: "If he is looking at the Plaza, he has one of the best views in town." [Dig Deeper](#) ["Pooh to the Plaza"](#)

2) The harsh truth is that even with the recent declines in the New York City housing market, purchasing a piece of real estate is still out of the reach of most. So **city dwellers are going country** to take advantage of this market meltdown thing. In the Hudson River Valley, \$300,000 can



snag a three-bedroom home with plenty of land to stretch out. Greenpointers with weekend homes
now we've seen everything. "The New Country Houses"

3) Once listed for \$2.5 million, the Trump International penthouse owned by a troubled Italian film
magnate is now in contract for \$1 million, which Josh Arbanell reports is "possibly the **largest
residential foreclosure action ever in Manhattan.**" If a buyer makes a higher offer, there will be an
auction on July 22, so hurry up and get those bids in. One caveat: the space is completely gutted.
Two potential buyers brought in Charles Schwab to look over the space. [Dig
Deal "The \\$1 Million Fixer-Upper"](#)

4) Jackson Heights broker Michael Carfagna is still getting publicity for his "**Jack Heights**" ad
campaign costs have now climbed into the "low six figures", this time for the makeover given to
the [creepy stick figure](#) right. The new-look Jack Heights appears in a promotional comic strip, in
which he gouges out the eyes of Billy Burg and spits on its lifeless corpse. [Posting "Take Hat, Billy
Burg"](#)

5) A lot can be said about Staten Island, but not respecting its elders. That's a new one. A group of
seniors were **fined \$25 for loitering in the common area** of their condo's lobby and conducting
endless chatter sessions, and now they're suing over their right to congregate in the space. His will
soon be immortalized in the big screen sequel *Grumpiest Old Men*. "Eezers' 'ab' uit" P

ASTORIA

OUTSIDE NYC

QUEENS

STATEN ISLAND

UPPER WEST SIDE

[2 COMMENTS](#)

ABOUT 5 YEARS AGO

It Happened One Weekend: Beer O'Clock at WTC, Rental Scams, Plaza Penthouse Suer Sells, More!

1) While it probably helps to be wasted to deal with the World Trade Center redevelopment mess on a daily basis, that's probably not true for the WTC's construction workers, some of whom were caught in an embarrassing *Post* sting **boozing it up on their lunch hours**. Murray Street apparently becomes Mardi Gras every day at 11: 5 a.m. burgers and shots—yum , then the hardhats head back to work at around zero. [Cuozzo is outraged](#), and the guys in the photos might be looking for new jobs today. ['WTC Hard Hats Get Hammered'](#) *Post*



2) In a ~~how-to guide for scamming~~ cautionary piece warning about the dangers of the rental market, **aspiring New York City renters learn what to be on the lookout for:** questionably low prices \$1,300 month on Park Avenue , shady sublets, and stubble "He seemed really laid back, kind of like a hipster" . They also learn what to do once they're scammed out of large sums of money: throw on a jean jacket and some short-shorts and write a book proposal ['Renters Get Windled and Cammed'](#)

3) Two young gentrifiers are **tired of having their Bushwick rental broken into** they've lost four laptops , but Crown Heights isn't quite ripe yet not enough coffee shops . So where does their Hunt lead them A place along the E in Greenpoint. ['More than a Top Pad' the Hunt](#)

4) Cary Russian Andrei Vavilov, who sued the developers of the Plaza to try to get his massive deposit back because the pair of penthouses he was in contract to purchase turned out shitty [or so he claimed](#) , has **sold the one Plaza penthouse he got stuck with**. Vavilov paid just over \$11 million for the apartment, and while it's not clear how much he sold it for, the last asking price was \$. 5 million, or \$3, 00 per square foot. That's \$ 00 sf less than the last Plaza sale. ['Plaza](#)
[aga' is real](#)

5) In 2005 a developer bought the down-on-its-luck townhouse at **12 East 63rd Street** for \$. million, slapped a new limestone facade on the building and aimed to sell it off as luxury condos. Costs went up, the market went down, and now the [whole building is for sale](#) as "architect-ready" raw space priced at **\$24.95 million** after a recent 13 chop. Well, it *did* get a new elevator.

['Decorate to Waste' is real](#)

BUSHWICK

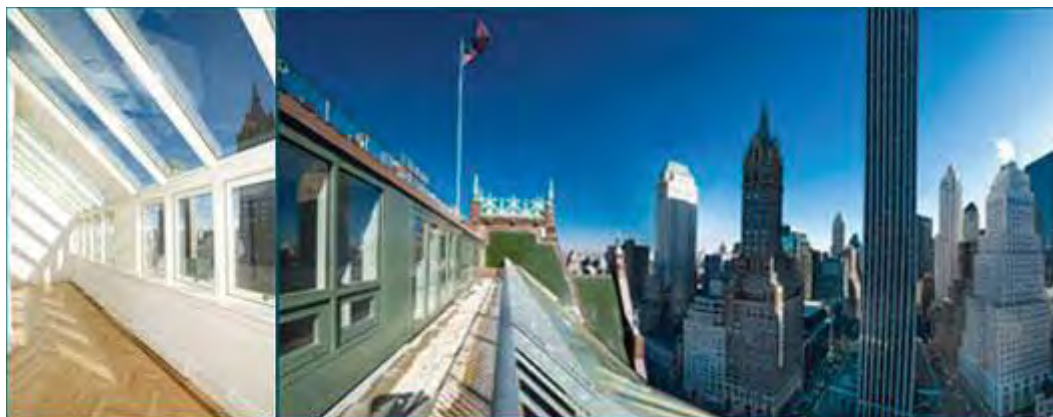
FIDI/BATTERY PARK CITY

UPPER EAST SIDE

[3 COMMENTS](#)

ABOUT 5 YEARS AGO

Russian Goes From Plaza Plaintiff to Plaza Pitchman



his [morning](#), the *Observer* reported that Russian financier **Andrei Vavilov**—who sued to get out of his contract to purchase two Plaza penthouses for \$53.5 million—purchased the smaller of the two apartments using his \$10. million deposit. Now, that penthouse is already **back on the market for \$12.5 million**. Five months ago, Vavilov via his [lawsuit](#) said the apartment "utterly failed to live up to the representations of El-Ad to Plaintiffs of superior condition, quality, and overall appearance."

Now, per the listing, that same apartment is a "one of a kind" "spectacular duplex." Quite the transformation. No floorplan porn of the 20th-floor digs, but there is a small photo of the tiny windows that Vavilov claimed contributed to the "attic-like" feel of the space.

[Listing: Penthouse at the Plaza](#) [H](#)

[The Plaza's Big Russian Bore Has His Price: \\$12.5 M.](#) [E](#)

[Two Lawsuits Later, Russian Closes on Plaza Penthouse](#) [Curbed](#)

MIDTOWN/MIDTOWN WEST

6 COMMENTS

ABOUT 5 YEARS AGO

Two Lawsuits Later, Russian Closes on Plaza Penthouse



When news broke last week that Russian financier **Andrei Vavilov** and Plaza developer El-Ad Properties had [settled](#) their nasty lawsuits against one another, it was assumed that Vavilov would no longer be held to closing on the pair of penthouses he had agreed to buy for \$53.5 million. Indeed, that's the case, but Vavilov is not storming out of the Plaza puffing on a big fat victory cigar and shooting guns in the air. In his [lawsuit](#), Vavilov demanded his **\$10.7 million deposit** back, but he didn't get it, Max Abelson [reports](#) in the *Observer*. Instead, Vavilov rolled the deposit into the purchase of the smaller of the two penthouses he was contracted to buy. [wist](#) [deal-making even Marx would enjoy.](#)

MIDTOWN/MIDTOWN WEST

[1 COMMENT](#)

ABOUT 5 YEARS AGO

PLAZA PENTHOUSE SUITS SETTLED!

Plaza developer **El-Ad Properties** and Russian financier **Andrei Vavilov**—who sued El-Ad for "breach of contract" amidst complaints that two penthouses he was to buy for \$53.5 million were "attic-like" spaces—have [settled their lawsuits](#). El-Ad had countered Vavilov's suit with a [defamation suit](#) of their own. Terms of the settlement weren't released, and the penthouses haven't closed. [said Vavilov's lawyer](#), "We are very pleased with the outcome." [said Vavilov's wife](#), "Let me more penthouses " , we're paraphrasing, but that's the gist. City [oom](#)



MIDTOWN/MIDTOWN WEST

[4 COMMENTS](#)

Penthosed: Now the Plaza's *Developer* is Suing



he Plaza saga has taken **another crazy turn**. Earlier today brought word that a [second penthouse buyer](#) had filed suit against developer El-Ad for delivering a fabulously expensive apartment in the renovated landmark that was not up to snuff. That followed the very public and very bitter battle another penthouse buyer, [Andrei Vavilov](#), kicked off with El-Ad last week over the state of his \$53.5 million penthouses in the hotel condo. Just now, a copy of another lawsuit landed in our inbox. This time around, **El-Ad is suing Andrei Vavilov for defamation**. The suit quotes various statements made by Vavilov's lawyer in the press regarding the alleged material changes made to the penthouses, and states...

[Hold on to your hats, folks, this ride is just getting started.](#)

MIDTOWN/MIDTOWN WEST

[14 COMMENTS](#)

ABOUT 6 YEARS AGO

Second Penthouse Buyer at Plaza Wants His Money Back

Half of the Plaza's newly-built six penthouses are now wrapped up in litigation. Two of those, a triplex and duplex combined for a price of \$53.5 million, are part of Russian buyer [Andrei Vavilov's lawsuit](#) against developer **El-Ad Properties**. He alleges that the Plaza penthouses are not what was promised, and he wants his \$10 million deposit back as well as \$20 million or so in interest and damages. Now, [raden eil reports](#) that **another buyer is suing for breach of contract**. The "30ish hedge-fund manager" wants **\$6.5 million plus legal fees** due to "fraud," "negligent misrepresentation" and "deceptive trade practices." Woo boy, can you say shitshow last time



around, El-Ad and Plaza brokerage tribling [said](#) the lawsuit was just buyer's remorse, and Vavilov was trying to find a way out of closing. o, will financial turmoil be blamed here, or are these penthouses truly pieces of crap

[ollow uit](#) P imme helter

[he Plaza coverage](#) Curbed

MIDTOWN/MIDTOWN WEST

[13 COMMENTS](#)

ABOUT 6 YEARS AGO

PLAZA LAWSUIT REBUTTAL

Plaza developer Elad has issued a statement through its lawyers regarding the [lawsuit filed by](#) [ussian buyer Andre Vavilov](#), who is suing over—among other things—"lower than represented ceiling heights," and "unappealing drainage grates" in his \$53.5 million spread: " he lawsuit filed by the purchaser of two penthouses at he Plaza is baseless at its core. Its meritless allegations are aimed at **camouflaging the purchaser's failure to meet his legal obligations to close**. he apartments as delivered are the apartments as described on the plans he reviewed and the contract he signed. ecause the purchaser has, for some reason, changed his mind and decided not to close, does not alter the facts. We have an **iron-clad contract** which we are confident will be upheld by the courts." ight CurbedWire Inbox



MIDTOWN/MIDTOWN WEST

[6 COMMENTS](#)

Russian Buyer Sues Plaza Over \$53.5M Penthouse Mega Deal

luxury developers are courting Russian buyers to take those eight-figure penthouses off their hands, but if we learned one thing from *Rocky IV* it's that the Russkies know how to throw an occasional punch if you push them around enough. And so, an anonymous for a brief moment, anyway buyer has backed out of a deal to buy two Plaza penthouses for \$53.5 million, and is instead **suing to get his \$10.7 million deposit back as well as at least \$20 million in damages**. According to a copy of the



lawsuit and reported by [The Real Estate](#), the triplex spread was bought sight unseen. In fact, the suit claims developer Elad Properties and the building's brokers attribling refused to permit access to the units. And then, this happened:

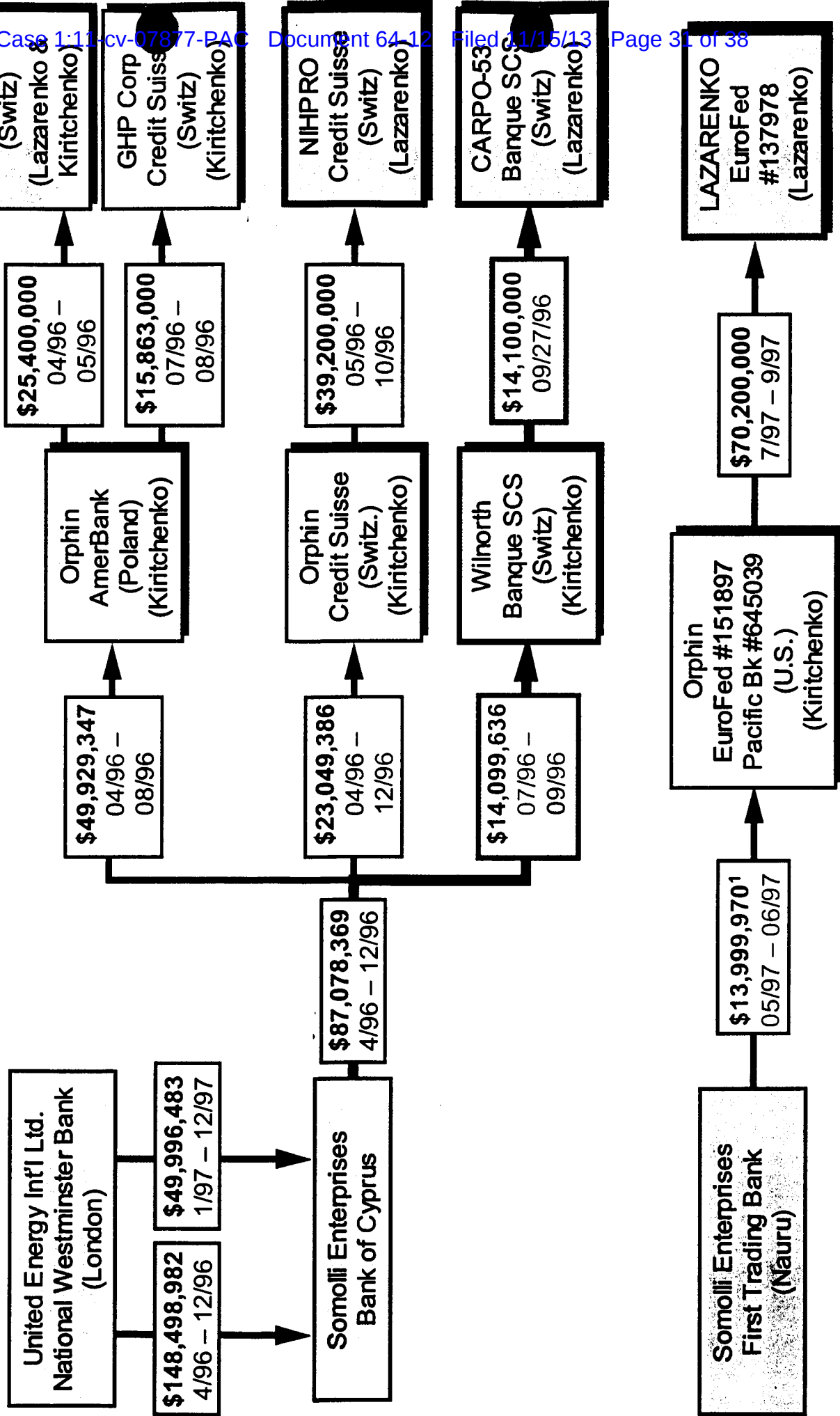
"After the Agreements were executed, the sponsor made **unilateral and impermissible design changes to the Penthouses** diminishing the livable square footage, cutting down sight lines, minimizing windows and lowering ceilings, and failed to disclose such changes to Plaintiffs." The middle of the 55-page suit says the buyer was particularly defrauded by the absence of "unobstructed floor to ceiling windows," "lower than represented ceiling heights," and, of course, "**unappealing drainage grates** which further impeded Plaintiffs' views.

of, you do hate to see that.

[ut who is this brave soul taking on the machine](#)

EXHIBIT 45

Somolli Enterprises



¹Counts 9 to 19 and 32 to 42

DEPOSITS INTO LAZARENKO AND KIRITCHENKO BANK ACCOUNTS FROM CHARGED ACTIVITIES

Payor	Date	Deposit	Somolli (1996)	Itera/Omrania	Naukovy/Van der Ploeg	Somolli (1997)	Ditiatkovski/ Optech	Nakosta Metal	Cabinet of Ministries/ GHP	Bank Account
Szovhoz Naucsniy	06/09/93	\$ 1,205,000.00			\$ 1,205,000.00					LIP Handel (Lazarenko)
Alexei Ditiatkovski	07/26/93	\$ 450,000.00					\$ 450,000.00			LIP Handel (Lazarenko)
Alexei Ditiatkovski	11/09/93	\$ 800,000.00					\$ 800,000.00			LIP Handel (Lazarenko)
Alexei Ditiatkovski	12/02/93	\$ 300,000.00					\$ 300,000.00			LIP Handel (Lazarenko)
Van Der Ploeg En Terpstra	01/24/94	\$ 2,972,000.00			\$ 2,972,000.00					KATO82 (Lazarenko)
Alexei Ditiatkovski Dnepropetrovsk	02/11/94	\$ 1,236,000.00					\$ 1,236,000.00			KATO82 (Lazarenko)
Van Der Ploeg En Terpstra	03/08/94	\$ 4,000,000.00			\$ 4,000,000.00					KATO82 (Lazarenko)
Nakosta K & K	05/10/94	\$ 349,985.00						\$ 349,985.00		ABS Enterprises Inc. (Kiritchenko)
Oleksiy Dytyatkovsky Banklagernd	07/15/94	\$ 249,985.00					\$ 249,985.00			ABS Enterprises Inc. (Kiritchenko)
Van Der Ploeg En Terpstra	11/25/94	\$ 6,014,000.00			\$ 6,014,000.00					Orphin S.A. (Kiritchenko)
Optech AG, FI-vaduz	12/01/94	\$ 410,000.00					\$ 410,000.00			ABS Enterprises Inc. (Kiritchenko)
Itera International Energy	02/01/96	\$ 399,982.50		\$ 399,982.50						Bainfield Ltd. (Lazarenko & Kiritchenko)
Omrania Trading Ltd.	02/05/96	\$ 199,982.50		\$ 199,982.50						Bainfield Ltd. (Lazarenko & Kiritchenko)
Itera International Energy	02/07/96	\$ 399,982.50		\$ 399,982.50						Bainfield Ltd. (Lazarenko & Kiritchenko)
Omrania Trading Ltd.	02/08/96	\$ 600,000.00		\$ 600,000.00						Bainfield Ltd. (Lazarenko & Kiritchenko)
Omrania Trading Ltd.	02/08/96	\$ 1,399,925.00		\$ 1,399,925.00						Bainfield Ltd. (Lazarenko & Kiritchenko)
Optech AG FI Vaduz	02/12/96	\$ 1,100,000.00					\$ 1,100,000.00			Bainfield Ltd. (Lazarenko & Kiritchenko)
Itera International Energy	02/14/96	\$ 383,982.50		\$ 383,982.50						Bainfield Ltd. (Lazarenko & Kiritchenko)
Itera International Energy	04/01/96	\$ 6,600,000.00		\$ 6,600,000.00						Bainfield Ltd. (Lazarenko & Kiritchenko)
Itera International Energy	04/09/96	\$ 1,000,000.00		\$ 1,000,000.00						Bainfield Ltd. (Lazarenko & Kiritchenko)
Somolli Enterprises	04/09/96	\$ 1,049,973.00	\$ 1,049,973.00							Orphin S.A. (Kiritchenko)
Somolli Enterprises	04/09/96	\$ 1,999,973.00	\$ 1,999,973.00							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 2714	04/19/96	\$ 4,199,973.00	\$ 4,199,973.00							Orphin S.A. (Kiritchenko)
Itera International Energy	04/24/96	\$ 2,000,000.00	\$ 2,000,000.00							Bainfield Ltd. (Lazarenko & Kiritchenko)
Somolli Enterprises Ltd /FT 2956	04/29/96	\$ 1,799,973.00	\$ 1,799,973.00							Orphin S.A. (Kiritchenko)
Omrania Trading Ltd.	05/01/96	\$ 999,925.00	\$ 999,925.00							Bainfield Ltd. (Lazarenko & Kiritchenko)
Somolli Enterprises Ltd /FT 3063	05/06/96	\$ 999,973.00	\$ 999,973.00							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 3153	05/09/96	\$ 999,967.50	\$ 999,967.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	05/13/96	\$ 3,699,967.50	\$ 3,699,967.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 3251	05/14/96	\$ 10,999,967.50	\$ 10,999,967.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	05/17/96	\$ 1,499,967.50	\$ 1,499,967.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 3363	05/17/96	\$ 4,859,967.50	\$ 4,859,967.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 3401	05/20/96	\$ 2,499,967.50	\$ 2,499,967.50							Orphin S.A. (Kiritchenko)
Itera International Energy	05/21/96	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,000,000.00						Bainfield Ltd. (Lazarenko & Kiritchenko)
Somolli Enterprises	05/22/96	\$ 1,499,967.50	\$ 1,499,967.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 3496	05/23/96	\$ 3,499,967.50	\$ 3,499,967.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	05/31/96	\$ 1,400,000.00	\$ 1,400,000.00							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 3818	05/31/96	\$ 2,570,000.00	\$ 2,570,000.00							Orphin S.A. (Kiritchenko)
Itera International Energy	06/03/96	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,000,000.00						Bainfield Ltd. (Lazarenko & Kiritchenko)
Itera International Energy	06/03/96	\$ 1,000,000.00	\$ 1,000,000.00							Bainfield Ltd. (Lazarenko & Kiritchenko)
Somolli Enterprises	06/06/96	\$ 999,968.00	\$ 999,968.00							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 3993	06/07/96	\$ 1,499,968.50	\$ 1,499,968.50							Orphin S.A. (Kiritchenko)

DEPOSITS INTO LAZARENKO AND KIRITCHENKO BANK ACCOUNTS FROM CHARGED ACTIVITIES

Payor	Date	Deposit	Somolli (1996)	Itera/Omrania	Naukovy/Van der Ploeg	Somolli (1997)	Optech	Nakosta Metal	Cabinet of Ministries/ GHP	Bank Account
Itera International Energy	06/20/96	\$ 1,000,000.00		\$ 1,000,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Itera International Energy	06/24/96	\$ 2,000,000.00		\$ 2,000,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Somolli Enterprises	06/25/96	\$ 999,968.50	\$ 999,968.50							Orphin S.A. (Kiritchenko)
Itera International Energy	06/26/96	\$ 1,000,000.00		\$ 1,000,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Somolli Enterprises Ltd /FT 4472	06/26/96	\$ 1,499,968.50	\$ 1,499,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	06/28/96	\$ 499,968.50	\$ 499,968.50							Orphin S.A. (Kiritchenko)
Itera International Energy	07/01/96	\$ 1,000,000.00		\$ 1,000,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Somolli Enterprises	07/01/96	\$ 499,968.50	\$ 499,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 4598	07/01/96	\$ 1,199,968.50	\$ 1,199,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 4599	07/01/96	\$ 499,968.50	\$ 499,968.50							Orphin S.A. (Kiritchenko)
Itera International Energy	07/02/96	\$ 1,000,000.00		\$ 1,000,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Somolli Enterprises Ltd /FT 4610	07/02/96	\$ 1,199,968.50	\$ 1,199,968.50							Orphin S.A. (Kiritchenko)
Itera International Energy	07/03/96	\$ 2,000,000.00		\$ 2,000,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Somolli Enterprises	07/03/96	\$ 399,968.50	\$ 399,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 4677	07/04/96	\$ 799,968.50	\$ 799,968.50							Orphin S.A. (Kiritchenko)
Itera International Energy	07/05/96	\$ 1,500,000.00		\$ 1,500,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Somolli Enterprises	07/08/96	\$ 1,499,968.50	\$ 1,499,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 4794	07/09/96	\$ 1,799,968.50	\$ 1,799,968.50							Orphin S.A. (Kiritchenko)
Itera International Energy	07/10/96	\$ 500,000.00		\$ 500,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Itera International Energy	07/15/96	\$ 1,000,000.00		\$ 1,000,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Itera International Energy	07/30/96	\$ 500,000.00		\$ 500,000.00						Bainfield Ltd. (Lazarenko & Kiritch)
Somolli Enterprises	07/31/96	\$ 999,968.50	\$ 999,968.50							Wilnorth Inc. (Kiritchenko)
Somolli Enterprises	08/02/96	\$ 499,968.50	\$ 499,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	08/06/96	\$ 499,968.50	\$ 499,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	08/06/96	\$ 999,968.50	\$ 999,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 5434	08/06/96	\$ 1,199,968.50	\$ 1,199,968.50							Wilnorth Inc. (Kiritchenko)
Somolli Enterprises	08/07/96	\$ 999,968.50	\$ 999,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 5470	08/07/96	\$ 1,799,968.50	\$ 1,799,968.50							Wilnorth Inc. (Kiritchenko)
Somolli Enterprises	08/12/96	\$ 499,968.50	\$ 499,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	08/14/96	\$ 499,968.50	\$ 499,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises Ltd /FT 5652	08/14/96	\$ 999,968.50	\$ 999,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	08/16/96	\$ 999,968.50	\$ 999,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	08/19/96	\$ 999,968.50	\$ 999,968.50							Wilnorth Inc. (Kiritchenko)
Somolli Enterprises	08/19/96	\$ 2,499,968.50	\$ 2,499,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises /FT 5759	08/19/96	\$ 999,968.50	\$ 999,968.50							Wilnorth Inc. (Kiritchenko)
Somolli Enterprises /FT 5760	08/19/96	\$ 999,968.50	\$ 999,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises /FT 5786	08/19/96	\$ 999,968.50	\$ 999,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	08/20/96	\$ 2,999,968.50	\$ 2,999,968.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	08/22/96	\$ 999,968.50	\$ 999,968.50							Wilnorth Inc. (Kiritchenko)
Somolli Enterprises	08/23/96	\$ 999,982.50	\$ 999,982.50							Orphin S.A. (Kiritchenko)
Somolli Enterprises	08/27/96	\$ 499,982.50	\$ 499,982.50							Wilnorth Inc. (Kiritchenko)
Somolli Enterprises	08/28/96	\$ 499,968.50	\$ 499,968.50							Wilnorth Inc. (Kiritchenko)
Somolli Enterprises	08/29/96	\$ 999,968.50	\$ 999,968.50							Wilnorth Inc. (Kiritchenko)

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Somoli Enterprises	08/29/96	\$ 999,982.50	\$ 999,982.50							Orphin S.A. (Kiritchenko)
Somoli Enterprises	09/03/96	\$ 499,968.50	\$ 499,968.50							Winorth Inc. (Kiritchenko)
Somoli Enterprises	09/03/96	\$ 2,599,968.50	\$ 2,599,968.50							Winorth Inc. (Kiritchenko)
Itera International Energy	09/06/96	\$ 500,000.00		\$ 500,000.00						Paddox Industries (Kiritchenko)
Somoli Enterprises	09/06/96	\$ 1,499,968.50	\$ 1,499,968.50							Winorth Inc. (Kiritchenko)
Somoli Enterprises	09/19/96	\$ 299,968.00	\$ 299,968.00							Orphin S.A. (Kiritchenko)
Somoli Enterprises	09/20/96	\$ 1,499,982.50	\$ 1,499,982.50							Orphin S.A. (Kiritchenko)
Somoli Enterprises	12/17/96	\$ 199,968.50	\$ 199,968.50				\$ 2,000,000.00			Orphin S.A. (Kiritchenko)
Optech AG, Fl-vaduz	12/19/96	\$ 2,000,000.00					\$ 2,000,000.00			Paddox Industries (Kiritchenko)
Cabinet of Ministres of Ukraine ¹	02/03/97							\$		GHP Corporation (Kiritchenko)
Cabinet of Ministres of Ukraine ¹	03/20/97	\$ 400,000.00						\$	400,000.00	GHP Corporation (Kiritchenko)
Somoli Enterprises	05/28/97	\$ 2,998,000.00				\$ 2,998,000.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	05/30/97	\$ 394,000.00				\$ 394,000.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	05/30/97	\$ 1,662,000.00				\$ 1,662,000.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	06/02/97	\$ 2,200,000.00				\$ 2,200,000.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	06/03/97	\$ 1,530,000.00				\$ 1,530,000.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	06/04/97	\$ 499,970.00				\$ 499,970.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	06/05/97	\$ 170,000.00				\$ 170,000.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	06/06/97	\$ 1,000,000.00				\$ 1,000,000.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	06/09/97	\$ 510,000.00				\$ 510,000.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	06/10/97	\$ 2,000,000.00				\$ 2,000,000.00				Orphin S.A. (Kiritchenko)
Somoli Enterprises	06/11/97	\$ 1,036,000.00				\$ 1,036,000.00				Orphin S.A. (Kiritchenko)
GRAND TOTAL	\$151,549,089	\$ 151,549,088.50	\$ 87,078,368.50	\$ 28,983,780.00	\$ 14,191,000.00	\$ 13,999,970.00	\$ 6,545,985.00	\$ 349,985.00	\$ 400,000.00	

¹One-half of profits - \$1.4M actually received by GHP

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FILED

APR 20 2004

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
 Plaintiff,
 v.
 PAVEL LAZARENKO,
 Defendant.

No. CR 00-0284 MJJ

UNITED STATES' NOTICE AND
 MOTION TO ADMIT SUMMARY
 CHARTS OF BANK RECORDS

The United States hereby moves this Court to admit into evidence summary charts of voluminous, already admitted, bank records. These summary charts have been produced to the defense and are government trial exhibits 1-22. The summary charts are also attached hereto as exhibit 1.¹

Where records are voluminous, a summary of those records may be received into evidence.

¹ These summary charts are the exhibits that the government intends to use with witness Charlie Tonna. Unless the Court wishes otherwise, the government will not produce to the Court all of the voluminous bank records that underlay the charts. The government has also included a list of exhibits 1-22 which is the first page of the attachment.

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See Fed. R. Evid. 1006, United States v. Catabran, 836 F.2d 453, 458 (9th Cir. 1988) (summary chart admissible). See also United States v. Strissel, 920 F.2d 1162, 1163-64 (4th Cir. 1990); United States v. Conley, 826 F.2d 551, 559-60 (7th Cir. 1987); SEDCO Intr'l v. Cory, 522 F.Supp. 254, 311-312 (8th Cir. 1981), cert. denied, 459 U.S. 1017 (1982); United States v. Fernandez, 1992 WL 336969, *3 (9th Cir. Nov. 13, 1992) (Unpublished Opinion) (holding Rule 1006 exhibits admissible). The Ninth Circuit has held that where records are voluminous, an oral summary of the records may also be received into evidence. See Sam Macri & Sons, Inc. v. U.S.A. for the Use of Oaks Corp., 313 F.2d 119, 128-29 (9th Cir. 1963).²

Summary charts are admissible into evidence under Rule 1006 where the underlying documents summarized in those charts are (1) admissible evidence and (2) available to the defense for inspection. Catabran, 836 F.2d at 458 (summary chart of inventory admissible). Moreover, a summary chart of voluminous evidence is admissible despite defense claims that it is “unverified” or “self-calculated” so long as the defense has the ability to cross-examine on any potential inaccuracies. Frank Music Corp. v. Metro-Goldwyn-Mayer, Inc. 772 F.2d 505, 515 n.9 (9th Cir. 1985), cert. denied, 494 U.S. 1017 (1990).


Here, the government’s witness Charlie Tonna will provide testimony that summarizes literally thousands of bank records which have already been admitted into evidence. Also, all of these underlying records have been produced to the defense for some time. Not only were the records produced, but they have been evaluated for admission both by the Court and by the defense. In addition to the production of the underlying documents, all of the summary charts which will be used by witness Tonna have also been produced to the defense. Finally, the defense will have the opportunity to cross examine witness Tonna concerning his charts. Therefore, under the law of this Circuit, witness Tonna’s testimony and his summary charts are clearly admissible as evidence under Rule 1006.

² The Ninth Circuit even admits summary testimony, not of voluminous records under 1006, but of the other witnesses’ testimony. See United States v. Olano, 62 F.3d 1180, 1203-1204 (admitting testimony and charts of witness summarizing oral testimony of preceding witnesses under Rule 611(a)).

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2 DATED: 4/20/04

Respectfully submitted,

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4 KEVIN V. RYAN
United States Attorney

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MARTHA BOERSCH
JONATHAN HOWDEN
PETER AXELROD
Assistant United States Attorney

8
9 HALLIE A. MITCHELL
Trial Attorney, U.S. Department of Justice

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Criminal Division, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused copies of the

**UNITED STATES' NOTICE AND MOTION TO
ADMIT SUMMARY CHARTS OF BANK RECORDS,**

United States of America v. Pavel Lazarenko, CR 00-0284 MJJ, to be served on the party(ies) in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

Riordan/Weinberg
523 Octavia Street
San Francisco, CA 94102
Fax: 415 552-2703

Daniel Horowitz
120 Eleventh Street
Oakland, CA 94612
Fax: 510 893-4451

____ (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee above.

X (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee above.

____ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

I declare under penalty of perjury that the foregoing is true and correct.

April 20, 2004



Amelia Lucero-Cordes
Paralegal